

SOUTHERN COLORADO

Southern Colorado.

DISTRICT 17. The following counties in Colorado: All counties not included in northern Colorado district.

The following counties in New Mexico: All coal-producing counties in the State of New Mexico, except those included in the New Mexico district.

NEW MEXICO

New Mexico.

DISTRICT 18. The following counties in New Mexico: Grant, Lincoln, McKinley, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Socorro.

WYOMING

Wyoming.

DISTRICT 19. All coal-producing counties in Wyoming.

UTAH

Utah.

DISTRICT 20. All coal-producing counties in Utah.

NORTH DAKOTA-SOUTH DAKOTA

North Dakota-South Dakota.

DISTRICT 21. All coal-producing counties in North Dakota. All coal-producing counties in South Dakota.

MONTANA

Montana.

DISTRICT 22. All coal-producing counties in Montana.

WASHINGTON

Washington.

DISTRICT 23. All coal-producing counties in Washington.

Approved, August 30, 1935.

[CHAPTER 825.]

AN ACT

To amend the Act approved March 3, 1931, relating to the rate of wages for laborers and mechanics employed by contractors and subcontractors on public buildings.

August 30, 1935.
[S. 3303.]
[Public, No. 403.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors or subcontractors, and for other purposes", approved March 3, 1931, is amended to read as follows:

Rate of wages for laborers and mechanics employed on public buildings.
Vol. 46, p. 1494;
U. S. C., p. 1788.
Post, p. 1347.

"That the advertised specifications for every contract in excess of \$2,000, to which the United States or the District of Columbia is a party, for construction, alteration, and/or repair, including painting and decorating, of public buildings or public works of the United States or the District of Columbia within the geographical limits of the States of the Union or the District of Columbia, and which requires or involves the employment of mechanics and/or laborers shall contain a provision stating the minimum wages to be paid various classes of laborers and mechanics which shall be based upon the wages that will be determined by the Secretary of Labor to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the city, town, village, or other civil subdivision of the State in which the work is to be performed, or in the District

Provision in advertised specifications respecting minimum wages.

Determination of local prevailing rate.

Stipulations in contracts respecting payments.

of Columbia if the work is to be performed there; and every contract based upon these specifications shall contain a stipulation that the contractor or his subcontractor shall pay all mechanics and laborers employed directly upon the site of the work, unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account, the full amounts accrued at time of payment, computed at wage rates not less than those stated in the advertised specifications, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers and mechanics, and that the scale of wages to be paid shall be posted by the contractor in a prominent and easily accessible place at the site of the work; and the further stipulation that there may be withheld from the contractor so much of accrued payments as may be considered necessary by the contracting officer to pay to laborers and mechanics employed by the contractor or any subcontractor on the work the difference between the rates of wages required by the contract to be paid laborers and mechanics on the work and the rates of wages received by such laborers and mechanics and not refunded to the contractor, subcontractors, or their agents.

Posting of wage scale.

Withholding portion of accrued payments from contractor.

Termination of right of contractor to proceed.

Notice required.

Liability of contractor.

Payment of accrued payments withheld from laborers.

List of contractors disregarding obligations.

Prohibition on awarding contracts.

Right of action against contractor and sureties.

Establishment of specific wage rates.

"SEC. 2. Every contract within the scope of this Act shall contain the further provision that in the event it is found by the contracting officer that any laborer or mechanic employed by the contractor or any subcontractor directly on the site of the work covered by the contract has been or is being paid a rate of wages less than the rate of wages required by the contract to be paid as aforesaid, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been a failure to pay said required wages and to prosecute the work to completion by contract or otherwise, and the contractor and his sureties shall be liable to the Government for any excess costs occasioned the Government thereby.

"SEC. 3. (a) The Comptroller General of the United States is hereby authorized and directed to pay directly to laborers and mechanics from any accrued payments withheld under the terms of the contract any wages found to be due laborers and mechanics pursuant to this Act; and the Comptroller General of the United States is further authorized and is directed to distribute a list to all departments of the Government giving the names of persons or firms whom he has found to have disregarded their obligations to employees and subcontractors. No contract shall be awarded to the persons or firms appearing on this list or to any firm, corporation, partnership, or association in which such persons or firms have an interest until three years have elapsed from the date of publication of the list containing the names of such persons or firms.

"(b) If the accrued payments withheld under the terms of the contract, as aforesaid, are insufficient to reimburse all the laborers and mechanics with respect to whom there has been a failure to pay the wages required pursuant to this Act, such laborers and mechanics shall have the right of action and/or of intervention against the contractor and his sureties conferred by law upon persons furnishing labor or materials, and in such proceedings it shall be no defense that such laborers and mechanics accepted or agreed to accept less than the required rate of wages or voluntarily made refunds.

"SEC. 4. This Act shall not be construed to supersede or impair any authority otherwise granted by Federal law to provide for the establishment of specific wage rates.

"SEC. 5. This Act shall take effect thirty days after its passage, but shall not affect any contract then existing or any contract that may thereafter be entered into pursuant to invitations for bids that are outstanding at the time of the passage of this Act.

Effective date.

"SEC. 6. In the event of a national emergency the President is authorized to suspend the provisions of this Act.

Suspension authorized.

"SEC. 7. The funds appropriated and made available by the Emergency Relief Appropriation Act of 1935 (Public Resolution Numbered 11, Seventy-fourth Congress), are hereby made available for the fiscal year ending June 30, 1936, to the Department of Labor for expenses of the administration of this Act."

Appropriation available for administrative expenses.
Ante, p. 115.

Approved, August 30, 1935.

[CHAPTER 826.]

AN ACT

To provide for the donation of certain Army equipment to posts of the Veterans of Foreign Wars.

August 30, 1935.
[H. R. 7199.]
[Public, No. 404.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for the donation of certain Army equipment to posts of the American Legion", approved May 29, 1934, is amended (1) by striking out the words "of the American Legion" where they appear the first time in such Act, and adding the words "or camp of organizations composed of honorably discharged soldiers, sailors, or marines,"; (2) by striking out the comma after the word "post" where it appears in the expression "now held by such post" and adding "or camp,"; and (3) striking out the words "of the American Legion" where they appear the third time in such Act and adding the words "or camps or organizations composed of honorably discharged soldiers, sailors, or marines".

Army equipment.
Donations of obsolete, extended.
Vol. 48, p. 815,
amended.

Approved, August 30, 1935.

[CHAPTER 827.]

AN ACT

To provide funds for cooperation with Cannon Ball School District, Sioux County, North Dakota, for extension of public-school buildings to be available for Indian children.

August 30, 1935.
[H. R. 8511.]
[Public, No. 405.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be expended from any moneys now available and applicable, or that may become applicable hereafter available, for construction under provisions of the National Industrial Recovery Act approved June 16, 1933, the sum of \$30,000 for the purpose of cooperating with Cannon Ball School District, Sioux County, North Dakota, for extension and improvements of school buildings: *Provided*, That the expenditure of any moneys so appropriated shall be subject to the condition that the schools maintained by said district shall be available to all the Indian children of the district on the same terms, except as to payment of tuitions, as other children of said school district, subject to such further conditions as may be prescribed by the Secretary of the Interior.

Sioux County, N. Dak.
Cooperation with Cannon Ball District, for school building extension.
Vol. 48, p. 200.*Proviso.*
Available for Indian children.

Approved, August 30, 1935.